

Tuesday, November 20, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Consent Agenda – Review:

1-19. This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 19 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Bid Opening:

1. Letter transmitting plans and specifications (Clerk’s File) for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project, Nipomo, Contract No. 300129.09.04 for Board approval and advertisement for construction bids. Set bid opening for Thursday, December 20, 2012. District 4.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

2. Letter transmitting plans and specifications (Clerk’s File) for Widening of Templeton Road from Bluebird Hill Lane to South El Pomar near Templeton, Contract No. 300386, Federal Project No. HRRRL-5949(111) for Board approval and advertisement for construction bids. Set bid opening for Thursday, December 20, 2012. District 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

3. Submittal of the Fiscal Year 2012-13 First Quarter Financial Report. All Districts.

The Board approves as recommended by the County Administrative Officer.

4. Request to approve Amendment No. 2 to the agreement for services with the Ferguson Group in the amount of \$72,000 to provide Federal lobbying services for FY 2012-13. All Districts.

The Board approves as recommended by the County Administrative Officer.

5. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to approve appointments to the Arroyo Grande/San Luis Obispo (unincorporated) Local Area Advisory Board. Districts 3 & 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller Items:

6. Review of the District Attorney's Office State of California Department of Insurance Workers Compensation Insurance Fraud Program Grant for Fiscal Year 2011-12.

The Board approves as recommended by the County Administrative Officer.

7. Review of the District Attorney's Office State of California Department of Insurance Automobile Insurance Fraud Program Grant for Fiscal Year 2011-12.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve a 4.68% Consumer Price Index (CPI) rate adjustment for the garbage hauling services provided by Mid State Solid Waste & Recycling Services, Paso Robles Country Disposal, and San Miguel Garbage Company. All Districts.

Mr. Brian Spaulding – Auditor Controller: amends Exhibit C.

Mr. Ian Hoover – Paso Robles Waste & Recycle General Manager: speaks.

This item is amended by replacing Exhibit C, page 1 of 3. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Board of Supervisors Items:

9. Request to approve an agreement with the City of Grover Beach-Parks and Recreation Department allocating \$2,400 from District Three Community Project Funds to be used to offset expenses associated with the December 1, 2012 community holiday event. District 3.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve an agreement with the Avila Beach Civic Association allocating \$2,000 from District Three Community Project Funds to be used for expenses associated with holding the Association's annual membership and election meeting on December 7th, 2012 and the two-day Winter Holiday event on December 8th and 9th, 2012. District 3.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve an agreement with the San Luis Obispo County YMCA, as fiscal agent for the John W. Callahan Heart Safe Project allocating \$8,700 from District Community Project Funds (District 1 - \$1,700, District 2 - \$800, District 3 - \$3,700, District 4 - \$500, District 5 - \$2,000) to be used to purchase five (5) automated external defibrillators (AEDs) for placement in each supervisorial district. All Districts.

The Board approves as recommended by the County Administrative Officer.

12. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

13. Request to approve Board of Director re-appointment in lieu of election to the Coastal San Luis Resource Conservation District and re-appointments and an appointment to the Upper Salinas-Las Tablas Resource Conservation District. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

14. Request to approve a first amendment to lease with San Luis Obispo Regional Transit Authority (SLORTA) and South County Area Transit (SCAT) of County-owned land at 800 Rodeo Drive in Arroyo Grande. District 4.

The Board approves as recommended by the County Administrative Officer.

15. Request to approve a resolution and Quitclaim Deed to relinquish the County's interest in a driveway easement on Buckley Road to correct a prior property donation to the County in San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-294, adopted.

Consent Agenda - Public Works Items:

16. Request to amend the 2012/13 fixed asset list for Fund Center 405 – Public Works Internal Service Fund (ISF) to obtain a UV-Vis spectrophotometer at no cost to the County. All Districts.

The Board approves as recommended by the County Administrative Officer.

17. Submittal of a resolution to apply for State-Local Partnership Program Funds to construct traffic signal improvements at the Los Berros Road US 101 Interchange, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-295, adopted.

18. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on the tentative map, Parcel Map CO 08-0105, a proposed subdivision resulting in 2 lots by Hardy and Judy Hearn, Green Place, Arroyo Grande. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda Public Works - Board Sitting as Flood Control District:

19. Submittal of a resolution for the San Luis Obispo County Flood Control and Water Conservation District - Zone 3 Advisory Committee; Appointment of Caren Ray as Regular Member and Joe Costello as Alternate Member. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-296, adopted.

Public Comment Period:

20. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Ms. Lisa Bonnier, Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB), Mr. Tom Dawson and Ms. Laura Mordaunt: comment on the continued hearing regarding amendments to the agricultural cluster land divisions on December 4, 2012. Additionally, Mr. Dawson speaks to “Agenda 21” and highlights eight steps to protect the citizens’ rights.

Mr. Klaus Schumann and Mr. Fred Frank: discuss on-site storage of high level radioactive waste at the Diablo Canyon Power Plant and request this matter be agendaized for a discussion.

Mr. Ben DiFatta, Ms. Linde Owen, Mr. Al Barrow, Ms. Julie Tacker and Mr. Edward Veek: comment on the relationship between Supervisor Gibson and his assistant. Additionally, Mr. DiFatta and Ms. Linde Owen (photographs) speak to the Los Osos Wastewater Project (LOWWP).

Dr. C. Hite - Rural Community Workshop, Mr. Joey Racano and Mr. Eric Greening: address various comments and concerns relating to the proposed seismic testing.

Mr. Gewynn Taylor: addresses concerns regarding costs associated with the LOWWP.

Mr. Evan Sylvester: comments on Occupy SLO and the possibility of reinstating the County Employee Wellness program.

Ms. Jerri Walsh: announces the 7th Annual Need’s N Wishes Holiday Fundraiser on December 8, 2012 from 10:00 to 7:00 PM at the Los Osos South Bay Community Center.

Mr. Richard Margetson: comments on the homeless population in the county. **No action taken.**

Hearings:

21. Hearing to consider an ordinance amending the County Fee Schedule "A" effective January 1, 2013 for calendar year 2013 and Fee Schedule "B" effective July 1, 2013 for fiscal year 2013-14.

Chairperson Patterson: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB) and Mr. Eric Greening: speak.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3235, amending County Fee Schedule, adopted.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

22. Hearing to consider a resolution amending the Traffic Regulation Code to establish enforcement of the California Vehicle Code on private roads within Tract 18, East of Paso Robles. District 1.

Mr. Ryan Chapman – Public Works: states staff has determined that Compere Way is not part of Tract 18 and the proposed resolution would not address this issue. Therefore, requests this item be withdrawn until staff can go back to the resident within the main access road to resolve this issue.

Chairperson Patterson: opens the floor to public comment.

Mr. Kit Carter: speaks.

The Board withdrawals this item and directs staff to work with the property owner to determine if there is a way to implement the California Vehicle Code (CVC) on these roads.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

23. Hearing to adopt resolutions regarding the Annual Road Improvement Fee reports for the fee areas of Avila, Los Osos, South County, Templeton, North Coast, and San Miguel. Districts 1, 2, 3, 4.

Chairperson Patterson: opens the floor to public comment without response.

The Board receives the attached 2012 Road Improvement Fee Reports. Furthermore, RESOLUTION NO. 2012-297, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the San Luis Bay Planning Area of the County of San Luis Obispo, adopting the required annual update; RESOLUTION NO. 2012-298, a resolution of the Board of Supervisors of the County of San Luis Obispo continuing the Road Improvement Fee for all developments within portions of the Estero Planning Area of the County of San Luis Obispo, adopting the required annual update; RESOLUTION NO. 2012-299, a resolution of the Board of Supervisors of the County of San Luis Obispo continuing the Road Improvement Fee for all development within portions of the South County Area of the County of San Luis Obispo, adopting the required annual update; RESOLUTION NO. 2012-300, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all developments within the North Coast Planning Area of the County of San Luis Obispo, adopting the required annual update; RESOLUTION NO. 2012-301, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within the San Miguel Road Fee Area of the County of San Luis Obispo, adopting the required annual update; and RESOLUTION NO. 2012-302, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the Templeton Area of the County of San Luis Obispo, adopting the required annual update, adopted.

Motion by: Bruce S. Gibson
Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

24.

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. North County Watch, et al. v. County of San Luis Obispo, et al. (Santa Margarita Ranch issue); 2. Dubbink v. County of San Luis Obispo.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. DCCA; 6. Unrepresented Management and Confidential Employees; 7. SLOCPPOA; 8. SLOCEA-Public Services, Supervisors, Clerical; 9. Deputy Sheriff’s Association; 10. DAIA; 11. SLOCEA-Trades and Crafts; 12. Sheriffs’ Management; 13. SLOCPMPOA.

Ms. Rita Neal – County Counsel: states there are no items to discuss in Closed Session today.

Hearings Continued:

25.

Hearing to consider an appeal by Cold Canyon Landfill (Corral de Piedra Land Company) and Earl Darway of the Planning Commission’s approval of a Conditional Use Permit to allow the expansion of the existing Cold Canyon Landfill (Landfill) including: an increase of the footprint by approximately 46 acres; an increase in the total facility allowable tonnage limit; expanded and relocated the Resource Recovery Park and Materials Recovery Facility; a new scalehouse and entrance; increase in the operating hours and staffing levels; and other miscellaneous improvements (e.g., relocating fuel tanks, landscaping, replacing equipment maintenance building). District 3.
- Mr. Murry Wilson – Planning and Building: states they just received notification from Mr. Earl Darway’s attorney that they reached an agreement with the Applicant and he has withdrawn the appeal. Further,

presents a change to Condition of Approval No. 22 to allow the landfill to participate in the environmental monitor selection process; and a modification to the CEQA findings to replace references to "Planning Commission" with "Board of Supervisors" and a revision to the language regarding the alternatives on Page 63 of 67 (Attachment 5).

Mr. Lacey Ballard - Cold Canyon Landfill Inc., Applicant and Appellant (handouts): speaks.

Chairperson Patterson: opens the floor to public comment.

Mr. Jon Hoffmann, Ms. Sue Barone, Ms. Leah Cochrane, Mr. Clint Cochrane, Ms. Tyree Cochrane, Mr. Dave Romero and Mr. Richard Lichtenfels - County Environmental Health: speak.

Mr. Ballard and Mr. Tom Martin – Cold Canyon Landfill: provide closing statements.

On motion of Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, the Board unanimously agrees to continue the meeting past 5:00 P.M.

The Board amends the following Conditions of Approval: No. 6 by replacing subsection b., to read: "Provisions for semi-monthly (twice a month) trash pick-up on neighboring properties. Residents within one mile of the Landfill shall be notified within 30 days of approval of the Litter Control Plan and provided with the dates of fugitive trash pick-up. The phone number of the litter control staff at the Landfill shall be provided to the neighbors, and permanently posted at the project entrance at a location that is easily visible from the closed gate. Neighbors shall be able to contact the Landfill within one week of the scheduled date to request pick-up of fugitive trash on their property."; No. 14, by deleting the words "property line" with "closest sensitive receptors"; No. 22, by replacing the first paragraph with the two paragraphs to read: "Ø (AES/mm-2) Within 30 days of County selection of the County Environmental Monitor, the applicant shall provide funding for an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures for the life of the project. The environmental monitor shall be under contract to the County of San Luis Obispo and shall be selected in consultation with the applicant. The monitor shall prepare a construction/operations monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations and County Conditions of Approval; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with daily and weekly reporting of complaints (as needed); (4) construction crew training regarding environmental sensitivities; (5) authority to stop work associated with the specific construction or operational activity (e.g. tub grinder exceeds the identified noise threshold) after consultation with the Environmental Coordinator; and (6) action to be taken in the event of non-compliance. The applicant will be given the opportunity to provide comments on the scope of work associated with the monitoring plan prior to the County's approval of the plan. Provisions shall be included in the monitoring plan to adjust the monitoring schedule and number of required inspections based on the Landfills compliance history and response to non-compliance events. Billing procedures shall be set to reflect the County's ability to adjust the monitoring and inspection schedule. A phone number contact for the environmental monitor shall be provided to the surrounding neighbors and/or provided on the Cold Canyon website." and "In the event the County is reinstated as a Local Enforcement Agency (LEA), this measure would be superseded by the enforcement powers of the LEA for those issue areas that are within the legal authority of the LEA as defined by State statute or code. In this event, the County Environmental Monitor's scope of work shall be modified appropriately to avoid duplication of duties of the LEA."; No 41, by adding a new subsection p. to read "Other technologies approved by the APCD." and by replacing the word "will" with "may" in the last paragraph; and No 62, by replacing subsection a., to read: "The plans shall show screen planting to screen views of the RRP as viewed from Highway 227."; Additionally, the Board amends Exhibit C – CEQA Findings, by replacing all references to "Planning Commission" with "Board of Supervisors" and by adding language regarding the alternatives on Page 63 of 67 between the third and fourth paragraph to read: "Additionally, the appellant (Earl Darway) submitted a project alternative at the August 9, 2012 hearing for consideration by the Planning Commission and to the Board of Supervisors as a part of the appeal. The Planning Commission and the Board of Supervisors heard and considered Mr. Darway's suggested configuration for the landfill expansion. Mr. Darway's configuration would not reduce noise impacts to a greater extent than the proposed project, or eliminate the need for an adjustment to the Noise Element standards because the footprint of the disposal area is essentially in the same location as the proposed project. This would result in similar noise impacts from disposal activities as Mr. Darway's proposed alternative. The access road would be relocated north across the on-site drainage (approximately 200-300 feet) but not a distance great enough to change the level of impact associated with traffic noise. The appellant's alternative also appears to conflict with proposed and existing detention basins on the project site. Finally, it has been determined that the appellant's proposed alternative would not meet a number of the applicant's project objectives

including a reduction in disposal capacity and the potential to impact additional sensitive biological resources.” Furthermore, the Board denies the appeal by Cold Canyon Landfill; certifies the Final Environmental Impact Report (FIER), conditionally approving the application of Coral de Piedra Land Co. (Cold Canyon Landfill) for a Conditional Use Permit (DRC 2005-00170) based on the findings listed in Exhibit A, the conditions listed in Exhibit B (with minor modifications), and California Environmental Quality Act (CEQA) findings in Exhibit C (with minor modifications) and RESOLUTION NO. 2012-303, a resolution affirming the decision of the Planning Commission and conditionally approving the application of Coral De Piedra Land Co. (Cold Canyon Landfill) for Conditional Use Permit DRC2005-00170, adopted as amended.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, November 20, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: November 24, 2012